

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED AMENDED REGULATION**

DATE: June 23, 2023

REGULATION NUMBER AND TITLE: 14.005, Competitive Selection for Professional Services

SUMMARY:

Regulation 14.005, Certification and Competitive Selection of Professionals, is proposed to be amended and renumbered as 14.008 to address minor edits and address the following:

- In light of the passage of SB 7026, the proposed amendments reiterate the resulting benefits to the universities, such as price/cost/fees as a component of procurement, and negotiations are ultimately at the discretion of the university.
- Consolidates Regulation 14.023 (Notice and Protest Procedures) into this regulation.
- Adds a provision requiring public openness in selection committee proceedings.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Kevin Pichard, Director, Finance and Facilities

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 200 W. College Avenue, Suite 216, Tallahassee, Florida 32301, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

14.0058 ~~Certification and~~ Competitive Selection and Negotiation of Professionals

(1) For any services required which have been publicly announced as provided in Regulation 14.0047, including, but not limited to, professional services, continuing contracts, construction management services or design-build, the president university board of trustees or designee shall appoint a Sselection Ccommittee to make recommendations. Those appointed ~~by the president~~ shall serve throughout the selection process.

The Committee ~~shall~~should consist of at least three members, ~~two~~the majority of which ~~must~~ have demonstrable experience in the selection of professional ~~architectural or engineering~~ services firms or education in construction, engineering, architecture, or other related discipline, and ~~shall be~~ comprised ~~of the~~ as following:

(a) At least one facilities' professional from the University Facilities Office or physical plant office;

(b) One~~the second required~~ facilities professional who is not required to be a current University Facilities Office or physical plant employee.

(bc) Additional members, based on the special needs of the project, if required as prescribed by the university board of trustees or designee.

(2) Prior to each selection, the University board of trustees or designee shall determine the eligibility under Florida law of each firm to perform the services required. ~~Each firm determined to be eligible to provide the services will be so certified by the University and shall be qualified for consideration as provided in this Chapter.~~

(3) The Sselection Ccommittee shall evaluate ~~professional qualifications statements by all eligible professional firms applying pursuant to the procurement parameters prescribed by the board of trustees. Such parameters may include, but are not limited to.~~ The Committee shall consider the experience and qualifications of the firms- ~~professional personnel; price, cost or fees; approach to the project; past performance; ability to meet time and budget requirements; location; and recent, current and projected workloads.~~ ~~of the firms. The Committee shall conduct discussions with, and may require public presentation by, no fewer than three firms, where possible, regarding their qualifications, approach to the project, and ability to furnish the required services. For projects having three or fewer applicants, the Committee shall conduct discussions with each applicant firm. The Committee shall rank the firms in the order of those most highly qualified to perform the required service, and where possible, shall recommend to the president for approval no less than three firms in the Committee's order of ranking. The university shall notify all interviewed firms of the approved selection.~~

(4) The public must not be excluded from the proceedings under this regulation, subject to exemptions provided by Florida Statutes.- Committee proceedings will be open to the public as and when required by law.

(54) After recommendation by the selection committee and approval by the president~~university board of trustees or designee~~, the ~~president shall~~university may negotiate a contract. Should the university be unable to negotiate a satisfactory contract with any of the selected firms, additional firms may be selected, all proposals may be rejected, or a new selection process may be initiated at the university's discretion and in accordance with the competitive procurement process prescribed by the board of trustees.

(6) The notice and protest procedures set forth in Board of Governors Regulation 18.002 shall be applicable to all competitive solicitations relating to the procurement of goods and services for the construction of university capital improvement projects.

Authority: Section 7(d), Art. IX, Fla. Const., History—Formerly 6C-14.005, 12-30-79, Amended 7-22-87, 1-24-89, 5-17-95, 1-13-99, Amended and Renumbered as 14.005, 3-27-08, Amended 9-24-09, Amended and Renumbered 14.008 xx-xx-23.